

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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DARNELL ANDERSON #216034,

Plaintiff,

Case No. 2:07-CV-160

v.

Hon. Gordon J. Quist

BENJAMIN SCARFF, et al.,

Defendants.

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**ORDER APPROVING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on September 3, 2008. The Report and Recommendation was served on the parties the same date.

Neither Plaintiff nor any Defendant filed an objection pursuant to 28 U.S.C. § 636(b)(1)(C). However, Plaintiff has sent a letter in which he points out that the magistrate judge recommended that summary judgment and/or dismissal be granted to Defendants Pramstaller, Ball, Metrish, Malloy, Benjamin, Hutchinson, Ganzhorn, and Scarff, but that he did not mention Defendants Sizer or Manzardo. Plaintiff inquires whether all Defendants have been dismissed.

Plaintiff is correct that the magistrate judge did not recommend any disposition of the claims against Defendants Sizer or Manzardo. Accordingly, Plaintiff's claims against these Defendants remain pending.

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge filed September 3, 2008, is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motions for Summary Judgment Due To Lack Of Exhaustion (docket nos. 14, 20, and 24) are **GRANTED** with regard to Defendants Pramstaller, Ball, Metrish, Malloy, Benjamin, and Hutchinson, who are **dismissed** from the case.

**IT IS FURTHER ORDERED** that Defendants Hutchinson's, Ganzhorn's, and Scarff's Motions To Dismiss Pursuant To Rule 12(b)(6) (docket nos. 24, 29, and 38) are **GRANTED**, and these Defendants are dismissed on the merits for failure to state a claim.

**IT IS FURTHER ORDERED** that Plaintiff's Motion To Strike Immaterial Facts From The Original Complaint (docket no. 33) and Defendants Scarff and Hutchinson's Motion for Access To Plaintiff's Medical Records (docket no. 40) are **DISMISSED AS MOOT**.

The claims against Defendants Sizer and Manzardo remain pending.

Dated: September 25, 2008

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE